

DOCKET NO: 271326US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ANDRE ROGET, ET AL. : EXAMINER: HAQ, S.
SERIAL NO: 10/533,950
FILED: MAY 4, 2005 : GROUP ART UNIT: 1641
FOR: METHOD FOR ATTACHING A :
PROTEIN TO PYRROLE-BASED
POLYMER AND ITS FOR PRODUCING A
SENSOR

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 U.S.C. §1.181(A)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The undersigned Petitioners hereby petition the Director under 37 C.F.R. § 1.181(a) to invoke supervisory authority to direct the Examiner to WITHDRAW the notice of abandonment mailed on January 5, 2011.

STATEMENT OF FACTS

01/14/2010 Mailing of the FINAL Official Action
06/14/2010 Filing of the Notice of Appeal
01/05/2011 Mailing of the Notice of Abandonment
01/14/2011 Filing of RCE and Response to FINAL Official Action.

REMARKS

This case has been erroneously indicated as being abandoned because the Examiner mailed the Notice of Abandonment before the extendible period established by the filing of the Notice of Appeal had expired.

Filing of a Notice of Appeal provides two months in which to file an Appeal Brief or take other action, 37 C.F.R. § 41.37(a)(1) and (e), and MPEP § 1205.01. This period is extendible by up to five additional months under 37 C.F.R. § 1.136(a)(1) upon payment of the required fees.

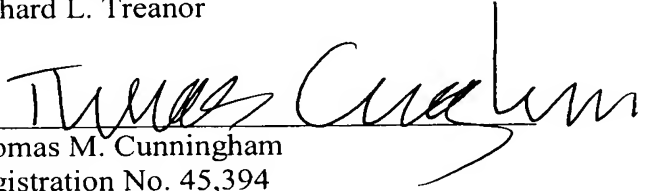
The Notice of Abandonment mailed on January 5, 2011 was premature, because the Applicants can file a response on or before January 14, 2011 (seven months after the date the Notice of Appeal was filed), but the Notice of Abandonment was mailed on January 5, 2011.

The Applicants file herewith a Request for Continued Examination (RCE) and a response to the final Official Action, pursuant to 37 C.F.R. § 1.114(d) and MPEP §§ 706.07(h)(X) and 1215.01.

Consequently, it is respectfully requested that this petition be GRANTED, the Notice of Abandonment withdrawn, and this case remanded to the Examiner for consideration of the RCE and the Applicants response.

Respectfully submitted,

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